

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING  
PROTECTION ALLIANCE,

Plaintiff,

v.

KATHLEEN ALLISON, in her official  
capacity as the Secretary of the California  
Department of Corrections and  
Rehabilitation,

Defendant.

No. 2:20-cv-02482 WBS-AC

ORDER

COUNTY OF AMADOR, a public agency  
of the State of California,

Plaintiff,

v.

KATHLEEN ALLISON, in her official  
capacity as the Secretary of the California  
Department of Corrections; PATRICK  
COVELLO, in his official capacity as the  
Warden of the California Department of  
Corrections and Rehabilitation Mule Creek  
State Prison,

Defendants.

1 Pending before the court is plaintiff California Sportfishing Alliance's second ex parte  
2 motion to quash the subpoena of Edmund Taylor. ECF No. 78. This discovery matter was  
3 referred to the undersigned pursuant to E.D. Cal. R. ("Local Rule") 302(c)(1).

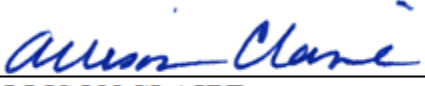
4 Local Rule 251(b) establishes requirements for any party bringing a motion pursuant to  
5 Federal Rules of Civil Procedure 26 through 37, including the requirement that the parties meet  
6 and confer and file a joint discovery statement. Here, no joint discovery statement has been filed.  
7 Because plaintiff, the moving party, did not satisfy Local Rule 251(b)'s joint discovery statement  
8 requirement, the motion to compel could be denied without prejudice. See e.g., U.S. v. Molen,  
9 2012 WL 5940383, at \*1 (E.D.Cal. Nov. 27, 2012) (where a party fails to comply with Local  
10 Rule 251, discovery motions are denied without prejudice to re-filing).

11 Here, however, the court notes that it already denied an ex parte motion regarding the  
12 deposition of Edmund Taylor. ECF No. 74. The motion was addressed on an ex parte basis to  
13 avoid unnecessary waste due to time restrictions. The deposition nonetheless had to be  
14 rescheduled, and plaintiff now attempts a second bite at the apple, again filing ex parte. Because  
15 the court is unpersuaded on the merits and finds this motion duplicative, it is DENIED with  
16 prejudice on the merits.

17 For the reasons state above, IT IS HEREBY ORDERED that plaintiff's motion to quash  
18 the deposition subpoena of Edmund Taylor (ECF No. 78) is DENIED.

19 IT IS SO ORDERED.

20 DATE: October 5, 2022

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22 ALLISON CLAIRE  
23 UNITED STATES MAGISTRATE JUDGE  
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